
From: Valerie Zentner [valeriez@edcfb.com]
Sent: Monday, September 27, 2010 3:17 PM
To: ILRP Comments
Cc: 'Bruce Houdesheldt'; pcreedon@waterboards.ca.gov
Subject: ILRP Comments
Attachments: EDCAWQMC ILRP comment e-ltr 9-10.pdf; LT-ILRP Comments master.pdf

Attached are the comment letter and detailed comments from the El Dorado County Agricultural Water Quality Management Corporation. A fax has also been sent to ensure timely delivery.

Valerie Zentner

El Dorado Subwatershed Coordinator
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**El Dorado County Agricultural Water
Quality Management Corporation**

A member of the Sacramento Valley Water Quality Coalition

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September 24, 2010

ILRP Comments
Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814

Re: Comments on the Draft Program Environmental Impact Report for a Waste Discharge Program for Irrigated Lands within the Central Valley Region

Dear Ms. Smith,

We appreciate this opportunity to comment on the reference document which will be applicable to our members of the El Dorado County Subwatershed Coalition. Our organization is a member of the Sacramento Valley Water Quality Coalition who also represents our interests.

The El Dorado County Agricultural Water Quality Management Corporation represents 323 individual growers who manage 3,330 acres of irrigated agricultural operations. We are located on portions of two Sacramento River sub-watersheds, the American and Cosumnes Rivers, with all irrigated agricultural operations at elevations of 1,000 – 3,500 feet above sea level. The total area of the portions of the two sub-watersheds that we represent is approximately 1.1 million acres.

While our operations are generally concentrated in seven distinct geographic agricultural districts, there are no areas where agriculture is truly the predominant land use. We share the land with undeveloped open spaces and rural subdivisions of 5-10 acre parcels. According to the subject PEIR documentation, there are no identified DWR Bulletin 118 ground water basins or sub-basins and there are no SWB Hydrogeologically Vulnerable areas or DPR Groundwater Protection Areas within our county.

Following are the general comments we have on the PEIR, Staff Report, and Economic Analysis. The detailed comments and recommendations are included as an attachment and are incorporated herein by reference.

1. Neither the PEIR nor the Economic Analysis accurately or adequately address the impacts of any of the alternatives, including the staff recommended alternative, to the unique sub-regions within the Central Valley especially the El Dorado County Sierra Nevada foothills.
2. The Environmental Impacts are all based solely on the implementation of Management Practices. All Resources, not just Agricultural Resources, should be evaluated for the impacts based on loss of farmland due to costs, e.g. the impact to Vegetation and Wildlife when rice fields are taken out of production.
3. Using the same methodology for determining ground water quality in areas with basins or sub-basins as areas without identified basins and sub-basins is not based in science. The results from using a monitoring well in the fractured rock areas of the foothills will not be reliably representative of the surrounding area or region since the origin of the water or any constituent in it cannot be determined. The use of monitoring wells is an inappropriate method for ground water protection in areas without basins or sub-basins.

The program needs to identify a method of assessing ground water quality in areas without basins or sub-basins that does not rely solely on owners of irrigated agriculture operations to fund the assessment.

4. The discharge of wastes from irrigated lands as identified by the exceedances reported in the Staff Report may be grossly overstated since the source of many of the exceedances has not been identified. This approach may lead the reader to believe that *all* exceedances discussed are as a result of irrigated agricultural operations rather than urban, suburban, recreational, or wildlife sources.
5. While we support in concept tailored monitoring provisions for tiers based on threat vulnerability to groundwater, the tiering has not gone far enough. The staff recommends that ground water monitoring be required every 5 years for Tier 1 (low priority) areas. Approximately 30% of the total area of responsibility for the CVRB does not contain any identified ground water basins or sub-basins.

We recommend the board create a Tier 0 for ground water that would apply to those areas without basins or sub-basins. Periodic assessment would rely solely on gathering existing monitoring data from other sources and reporting management practices from growers in those areas. If monitoring data from an existing source reveals pesticide exceedances then a source evaluation effort could be undertaken to determine if irrigated agriculture is the source.

6. The total estimated additional costs for the Staff Recommended Alternative is shown as \$1.79/acre annually. This is grossly understated for the small farmers in our region. The El Dorado sub-coalition's average yearly cost per acre for the last seven years has been \$18.91.

If the \$1.79/acre estimate of additional cost for the Staff Recommended Alternative is as accurate as the surface water estimate in the Economic Analysis, we in the foothills can expect a minimum of an additional \$24.89/acre in program costs. A total of \$43.80 per acre could force many of our growers out of agricultural production.

We appreciate the efforts of staff in working with the stakeholder workgroup to develop the program objectives for the proposed regulation. However, for the Sierra foothill regions like El Dorado the staff recommended alternative fails to meet those objectives.

By taking a "one size fits all" view of the millions of acres that comprise the Central Valley watersheds, the regulation fails to recognize that not all agricultural operations are managed the same. The analysis fails to characterize adequately the regions where ground water basins and sub-basins do not exist. Finally, the economic analysis does not adequately address the value-added nature of irrigated agriculture in the foothills as compared to the large commodity-based farms and ranches in the valley. The secondary, and tertiary, negative impacts that would occur to the local economy if agricultural operations failed due to the burdensome costs associated with ground water monitoring have not been identified.

We would welcome the opportunity to work with the Regional Board to develop a tiered approach that continues a management practices-based approach to preserving our excellent surface water quality while providing ground water quality protections.

Sincerely,

A handwritten signature in cursive script that reads "Carolyn Mansfield".

Carolyn Mansfield, President

Attachment: As stated

cc: Bruce Houdesheldt, Sacramento Valley Regional Water Quality Coalition
Pamela Creedon, Central Valley Regional Water Quality Control Board

**EI Dorado County Agricultural Water Quality Management Corporation's
Comments on the Central Valley Regional Water Quality Control Board
Draft Program Environmental Impact Report, Staff Recommendation, and
Economic Analysis of the Long Term Irrigated Lands Regulatory Program**

The EI Dorado County Agricultural Water Quality Management Corporation represents 323 individual growers who operate 3,330 acres of irrigated agricultural operations. We are located on portions of two Sacramento River sub-watersheds, the American and Cosumnes Rivers with all irrigated agricultural operations at elevations of 1,000 – 3,500 feet above sea level. The total area of the portions of the two sub-watersheds that we represent is approximately 1.1 million acres. While our operations are generally concentrated in seven distinct geographic districts, there are no areas where agriculture is truly the predominant land use. We share the land with undeveloped open spaces and rural subdivisions of 5-10 acre parcels. According to the subject PEIR documentation, there are no identified DWR Bulletin 118 ground water basins or sub-basins and there are no SWB Hydrogeologically Vulnerable areas or DPR Groundwater Protection Areas within our county.

GENERAL COMMENTS:

1. Neither the PEIR nor the Economic Analysis accurately or adequately address the impacts of any of the alternatives, including the staff recommended alternative, to the unique sub-regions within the central valley especially the EI Dorado County Sierra Nevada foothills.
2. The Environmental Impacts are all based solely on the implementation of Management Practices. All Resources, not just Agricultural Resources, should be evaluated for the impacts based on loss of farmland due to costs, e.g. the impact to Vegetation and Wildlife when rice fields are taken out of production.
3. Using the same methodology for determining groundwater quality in areas with basins or sub-basins as areas without identified basins and sub-basins is not based in science. The results from using a monitoring well in the fractured rock areas of the foothills will not be reliably representative of the surrounding area or region since the origin of the water or any constituent in it cannot be determined. The use of monitoring wells is an inappropriate method for ground water protection in areas without basins or sub-basins. PEIR Section 2.3, page 2-3, states "the Sacramento Valley Basin covers approximately 27,210 square miles" or 14.414 million acres. PEIR Section 4.3, page 4-2 repeats this description. PEIR Section 4.6, page 4-6 states "the Sacramento Valley Basin encompasses approximately 12.2 million acres" or 19,062 square miles. The differences in the numbers can only be attributed to the fact that the smaller number represents known groundwater basins or sub-basins while the larger number refers to the surface watershed. Therefore, there are approximately 8,148 square miles (5.214 million acres) or approximately 30% of the Sacramento Valley Basin without identified groundwater basins or sub-basins. The program needs to identify a method of assessing groundwater quality in areas without basins or sub-basins that does not rely solely on owners of irrigated agriculture operations to fund the analysis.
4. Throughout all of the documentation there is inconsistent use of the term "management plans." In the current program a "Management Plan" is triggered as a result of exceedances. In the recommended alternative "SQMPs" and "GQMPs" are required to be developed for all High Priority areas. Section XI.A.1 states: "The recommended long-term ILRP will require that third-

party groups develop regional surface and groundwater management plans. These plans would specify management measures that would work to restore and/or maintain the highest reasonable surface and groundwater quality. Irrigated agricultural operations would be required to implement management measures identified in the plans." Section XI.A.1 implies that the California Water Code requires the development of Management Plans but does not specify when. The term "management plan" must be used consistently throughout the documents.

Specific Comments:

PEIR

1. Section 1.2, page 1-1, provides a description of the region covered by the CVRWQCB which fails to recognize areas other than the valley floor. This is a common occurrence throughout the PEIR, the Economic Analysis and the Staff Recommended Alternative.

Recommendation: Revise all documents to acknowledge the existence and provide accurate descriptions of areas other than the valley floor.

2. Section 1.3, page 1-2, purpose number 3: "maintain the economic viability of agriculture in California's Central Valley."

Comment: Given the inadequacy of the Economic Analysis this goal is not achieved by any of the alternatives.

3. Section 1.5-3, page 1-8, identifies "Known Areas of Controversy:" In accordance with State CEQA Guidelines Section 15123(b)(2), the areas of controversy known to the lead agency, including issues raised by agencies and the public, shall be identified in the EIR. Through public scoping, the efforts of the Workgroup, and other outreach efforts, the following areas of controversy were identified:

The costs to growers of implementing a more stringent ILRP will be prohibitive and suppress the economic sustainability or growth of agriculture.

Adding a groundwater monitoring element to the ILRP would be unnecessarily duplicative of existing monitoring efforts.

The alternatives do not contain a clear methodology for defining a groundwater discharger or determining the nature of discharges to groundwater.

The program does not take adequate steps to offset the costs to rural communities for cleanup of existing water quality impairments that can be linked back to historical agricultural discharges.

Comment: None of these areas are adequately resolved by any of the Alternatives including the Staff Recommended Alternative.

4. Section 2.5, page 2-6, 3rd Program Objective: "Provide incentives for agricultural operations to minimize waste discharge to state waters from their operations."

Comment: This Objective is not met in any of the Alternatives unless one considers punitive measures as an incentive.

5. Section 4.4.1, page 4-2, erroneously describes "Land uses in the Sacramento River Basin are principally forest and range lands in the upper reaches, with urban development

focused around the City of Sacramento. Agriculture is the dominant land use on the valley floor, followed by urban development.”

Comment: The growth of urban development alongside non-rangeland agriculture in the foothills should be acknowledged and addressed.

6. Section 5.1.1 and Table 5.1-1, page 5-1. This section sets the stage for the environmental analysis of the PEIR.

Comment #1: The “management practices” listed in Table 5.1-1 are a mixture of objectives and practices and do not reflect the practices identified in the referenced ECR, e.g. Pressurized Irrigation System is one practice used to achieve the objective of Irrigation Water Management.

Comment #2: In addition to the impact of management practice implementation, each of the resources should have been evaluated for the impact of loss of farmland due to the costs of implementing each alternative.

7. Section 5.3.3, Environmental Setting, Agriculture, page 5.3-7 acknowledges that “agriculture remains a large industry into the present day.”

Comment: This contradicts all areas of the Economic Analysis where agriculture is portrayed as having the smallest industrial output in the Sacramento Valley.

8. Section 5.8.3, page 5.8-7: “Rivers reaching into the Sierra Nevada are fed by both snow melt and rainfall (e.g., the Mokelumne) whereas lower rivers not extending into the mountains receive only rainfall (e.g., the Cosumnes).”

Comment: This statement is in error: The Cosumnes is fed by snowmelt.

9. Section 5.8.3, page 5.8-7: “Dams are generally found among the foothills of mountain ranges.”

Comment: Dams are also found at higher elevations, e.g. the Upper Sacramento River.

10. Section 5.10.4, Assessment Methods, page 5.10-6: “The Central Valley Production Model (CVPM) is a regional model of irrigated agricultural production and economics that simulates the decisions of agricultural producers (farmers) in the Central Valley of California.”

Comment: The CVPM does not adequately or accurately address the agricultural production at elevations greater than 1,000 feet above sea level that are impacted by topographical features.

11. Section 5.10.4, Assessment Methods, page 5.10-6: “It is reasonable and logical to assume that, while some portion of the affected farmland would be converted to nonagricultural use, a majority of the lost acreage would not be converted to a nonagricultural use but instead would be used to produce a crop that would require lower compliance costs and generate sufficient revenue to stay in agricultural production.”

Comment: This is not a reasonable or logical assumption. Crop conversion, especially from FFGO to either ORVIN or VEGT, can be extremely expensive and cost prohibitive. It is

more likely to assume that only a small portion of the "lost acreage" would undergo crop conversion.

12. Section 5.10.5, page 5.10-14, Mitigation and Improvement Measures.

Recommendation: Add a second mitigation measure: Develop a less costly approach to achieving water quality objectives.

ECONOMIC ANALYSIS

1. Section 1.2, page 1-3, second paragraph, last sentence: "Results from the Central Valley were extrapolated to affected areas in the foothills and upper watersheds."

Comment: Can't find where these results are shown. These results are critical to understanding the true economic impact to the foothills.

2. Section 2.2.1.1 and Table 2-1, page 2-2: "The six water quality management practices listed in Table 2-1 were used in calculating the cost of water quality management practices by watershed and alternative."

Comment: The things listed are generally not management practices but are objectives, e.g. Irrigation Water Management as an objective is comprised of many practices including the use of pressurized irrigation systems, the use of an Irrigation Management System in conjunction with crop evapotranspiration data, and the use of buffer strips to filter any irrigation run-off water. The use of this list as "management practices" as a basis of economic impact is seriously flawed.

3. Section 2.1.2, page 2-3: "...regardless of the number of practices currently in place, there are still water quality impacts. To address these impacts, other management practices, in addition to what are in place, need to be implemented."

Comment: This is a judgment statement with no basis in fact for large portions of the Central Valley region since there are many areas with no irrigated agriculture caused impacts recorded since the beginning of the program.

4. Tables 2-3 and 2-4, pages 2-4 and 2-5.

Comment: How can there be more Enrolled Acres and Enrolled Growers than there are Estimated Acres and Estimated Growers? The discrepancies in these tables call into question the accuracy and adequacy of the entire Economic Analysis.

5. Table 2-6 and 2-7, pages 2-9 through 2-13.

Comment: The rationale for assignment of these limited "management practices" to these COCs appears to be flawed, e.g. the use of various practices within a pesticide management objective could be used in lieu of pressure irrigation.

6. Section 2.4.1 and Table 2-9, page 2-17, Scope of Cost Information.

Comment: The assignment of one cost value to each "management practice" without regard to topography, geology, soil type or crop type is meaningless. You cannot equate the

cost of irrigation water management on a 500-acre valley floor operation with the cost on a 10-acre vineyard or orchard on a slope in the Sierra foothills.

7. Section 2.4.1.1 and Table 2-11, page 2-20: Estimated Current Cost for Compliance Actions per Acre = \$1.36

Comment: The El Dorado sub-coalition's average yearly cost per acre for the last seven years has been \$18.91. This example of generalization and the use of a one size fits all approach to the Economic Analysis shows how distorted the results can be for foothill areas. If the \$1.26/acre estimate for ground water sampling in alternative 1 is as accurate as the surface water estimate, we in the foothills can expect a minimum of an additional \$17.52/acre in program costs. A total of \$36.43 per acre could force many of our growers out of agricultural production.

8. Section 3.2, page 3-1: "The portions of the study region that fall outside the Central Valley floor were designated here as the upper watersheds and were analyzed by relating them to the nearest, most appropriate CVPM region."

Comment: Where are the results of this analysis for upper watersheds?

9. Section 3.2.4, page 3-5: Evaluation for Lands in Upper Watersheds

Comment: This section ignores the upper American River Watershed and appears to ignore much of the uniqueness of the Sierra Foothills, e.g. the orchard and vineyard areas of El Dorado County. As a result the impacts are understated.

10. Table 3-6, page 3-7. Sacramento River Average Farm Size = 177.1 acres

Comment: Another example of how one size fits all using averages doesn't work. El Dorado Sub-Coalition has 323 growers with an average agriculture operation of 10.3 acres.

11. Sections 3.4.2, 3.4.3, 3.4.4, 3.4.5, 3.4.6, pages 3-10 through 3-16, Compliance Costs

Comment: Where is the math that determined the compliance costs relative to Alternative 1, e.g. \$1.00/acre for Alternative 2 and \$8-13/acre for Alternative 3?

12. Chapter 4, Regional Economic Impacts

Comment #1: Defining the Sacramento River Basin as a region does a disservice to all 20 counties. Stating that the regional economic impact of losing 100 acres of grapes in Yolo County is the same as 100 acres of grapes in El Dorado County is just plain wrong.

Comment #2: The IMPLAN I/O model addresses agricultural crops as "raw material" so it does not address value added processing operations such as wineries, canneries, packing sheds, pie shops, etc. Since the forward-linked impact of FFGO to livestock production was accomplished the same type of forward-linked impact of ORVIN and VEGT to the value added processing operations should be calculated.

Comment #3: The forward-linked impact to the Agritourism business is totally ignored and should be analyzed.

Comment #4: Again, because no forward-linked analysis was done the total regional output of agriculture as stated, as 2% is grossly understated.

Comment #5: The forward-linked comments for industrial output equally apply to personal income and employment.

Comment #6: To categorically state that increased costs to a farmer would result in a beneficial net regional economic effect other than urban growth is not applicable to the foothill regions with small farms.

STAFF REPORT

1. Section III.C.1 Surface Water Summary, pages 23 – 44.

Comment: The discharge of wastes from irrigated lands as identified by the exceedances reported in this section may be grossly overstated since the source of many of the exceedances has not been identified. This approach may lead the reader to believe that all exceedances discussed are as a result of irrigated agricultural operations rather than urban, suburban, recreational, or wildlife sources.

2. Regulatory Requirements and Monitoring Provisions for Tiers. Discussions beginning on page 152.

Comment #1: A SQMP is required for any parameter that exceeds water quality objectives two or more times in a 3-year period. Developing and obtaining approval of a SQMP has proven historically to be a time consuming and costly effort.

Recommendation #1: Instead of immediately requiring the development of a SQMP there should be a requirement for a Source Identification Report (SIR) to be developed and submitted to the Regional Board for approval. If the SIR indicates irrigated agriculture to be the source then a SQMP would be appropriate.

Comment #2: Ground water monitoring is required every 5 years for Tier 1 areas. Please refer to our General Comment #3 on page 1. Approximately 30% of the total area of responsibility for the CVRB does not contain any identified ground water basins or sub-basins.

Recommendation #2: Create a Tier 0 for ground water that would apply to those areas without basins or sub-basins and would 1) rely solely on any existing monitoring data from other sources and 2) gathering and reporting management practices from growers in those areas. If monitoring data from an existing source reveals pesticide exceedances then a source identification effort would be undertaken to determine if irrigated agriculture is the source.

3. Section XI.C.1 Estimated costs, page 169. The total estimated additional costs for the Staff Recommended Alternative is shown as \$1.79/acre annually.

Comment: The El Dorado sub-coalition's average yearly cost per acre for the last seven years has been \$18.91. If the \$1.79/acre estimate of additional cost for the Staff Recommended Alternative is as accurate as the surface water estimate in the Economic Analysis, we in the foothills can expect a minimum of an additional \$24.89/acre in program costs. A total of \$43.80 per acre could force many of our growers out of agricultural production.

*duped
IL100*



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Fax: 530-622-7839

fax transmittal

To:	Megan Smith	Fax:	916-456-6724
From:	Valerie Zentner, Executive Director	Date:	September 27, 2010
Subject	ILRP Comments	Pages	4 <i>with cover sheet</i>)
Ref:			

Attached are our comments which have also been sent via email.



EL DORADO COUNTY
FARM BUREAU

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September 24, 2010

ILRP Comments

Ms. Megan Smith

630 K Street, Suite 400

Sacramento, CA 95814

Re: Comments on the Draft Program Environmental Impact Report for a Waste Discharge Program for Irrigated Lands within the Central Valley Region

Dear Ms. Smith,

We appreciate this opportunity to comment on the reference document, The El Dorado County Farm Bureau represents over 1300 member families, many of whom will be affected by the proposed regulation of irrigated agricultural lands.

1. The Sierra Foothills Setting. In El Dorado County, the majority of our irrigated agricultural operations are contained within the 1,000 to 3,500 foot elevation range. While much of our agriculture occurs in designated Agricultural Districts throughout the western slope, there are no areas where agriculture is truly the dominant land use. Of the 1.1 million acres of land located within the El Dorado Subwatershed Coalition, the enrolled acres for irrigated agriculture represent 3,330 acres, or roughly .003% of this area. The average size of operation is approximately 10 acres and our farms and ranches are nestled in among recreational uses, undeveloped open space, rural subdivisions, and public roads.

2. No Ground Water Basins identified. While some of our agriculturists receive irrigation water from two purveyors, a number of our farmers and ranchers rely solely on well water sources. The topography and hydrology of the western slope require that deep wells be drilled through fractured rock to water interstices whose water origins are unknown. Within this region of the county, which is included in the proposed regulation, there are no ground water basins or sub-basins identified by DWR Bulletin 118 and there are no Hydrogeologically Vulnerable areas or DPR Groundwater Protection Areas within the county.

Since there is no vulnerability for leaching identified in this region, El Dorado County is rendered a low priority area or, stated another way, it presents no threat to ground water quality from agricultural sources. Based on these unique characteristics it is inappropriate to require ground water sampling and monitoring programs of El Dorado's agriculture as there is no way that a representative water sample could be obtained.

*Protect, promote, and enhance the economic opportunities and long-term viability
for El Dorado County farmers, ranchers, and foresters.*

Water Code Division 6, Chapter 1, Part 2.11, Section 10921 states that *"the monitoring of ground water elevations in an area that is not within a basin or sub-basin is not required"*. We assert that for consistency the state should apply that principle to the reference regulation. In fact, we would recommend that the Board develop a lower tier regulation that does not require ground water sampling but allows agriculturists to continue to manage their operations for water quality using proven management practices where water basins do not exist.

3. Economic Analysis is Flawed. The economic analysis and EIR understate the impact that ground water sampling would have on our local agriculturists and, indeed, the surrounding economy. The estimate for drilling monitoring wells is grossly understated for the mountain regions where wells are often drilled deep with typical well depths ranging between 300 and 750 feet. It also does not recognize that well drilling does not always result in the discovery of water, so the possibility that more than one well would be drilled is not addressed. In a business where drilling is charged "by the foot", the estimate of \$5,000 cost per monitoring well is significantly understated for the costs that would actually be experienced by our farmers and ranchers.

The proposed regulation identifies a "loss of agricultural production" as a significant but unavoidable impact. In the case of El Dorado's agriculture, being faced with a costly and onerous regulatory burden that cannot be met, you could well see a drastic reduction of agricultural operations. In a region where permanent cropping exists and where even mature crops must receive some irrigation water during the average season, our farmers are unable to fallow their land. The collateral impact to the surrounding economy cannot be understated.

The economic analysis failed to evaluate the effect of value-added production of agricultural crops. All crop values in the comparative analysis for all alternatives look at raw crop values sold "Freight on Board" as shown in the County's crop reports. El Dorado County does not generally compete on a "commodity" basis. Due to the topography, climate, and water supply challenges, our small farms and ranches rely on their ability to sell direct to the consumer. The value-added component of processing grapes into wine, apples into pies, and berries into jams for the benefit of sale at a higher value has been disregarded. Therefore, the true impact to our agriculture must be viewed from the value-added sales that comprise our agriculture that supports the tourism and visitor serving industries of our county.

4. Recommendation. Our Agricultural Subwatershed Coalition is already participating in a management practices based "Pilot Program" to maintain surface water quality. We feel that the protection of ground water is already occurring with the practices being implemented. We recommend that the Regional Board develop a least regulated tier approach that continues the management practices-based program to preserve our excellent surface water quality and provide ground water protections.

5. Program Objectives. We appreciate the development of the program objectives for the proposed regulation. For the Sierra foothill regions like El Dorado the staff recommended alternative fails to meet the objective to "provide incentives for agricultural operations to minimize state discharge".

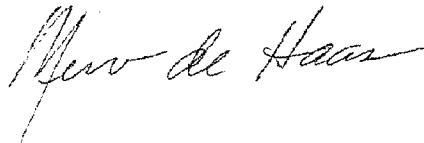
We agree with the objective to coordinate efforts with other government programs for groundwater protections. By relying on other program data it should be apparent that El Dorado irrigated agriculture has no demonstrated negative impact to ground water basins or sub-basins within the state because none are identified.

We agree that implementation of management practices can be utilized to maintain water quality, but we feel that this regulation will in fact "jeopardize the economic viability" for our small farms and ranches.

By taking a "one size fits all" view of the millions of acres that comprise the Central Valley watersheds, the regulation fails to recognize that not all agricultural operations are managed the same. The environmental and economic analyses fail to characterize adequately the regions where ground water basins and sub-basins do not exist. Finally, the economic analysis does not adequately address the value-added nature of irrigated agriculture in the foothills as compared to the large commodity-based farms and ranches in the valley. The secondary, and tertiary, negative impacts that would occur to the local economy if agricultural operations failed due to the burdensome costs associated with ground water monitoring have not been identified. There is a disproportionate impact that the cost of compliance brings to the small family farms and ranches that populate El Dorado County. We do not consider the potential loss of these operations an acceptable "unavoidable" impact of this regulation.

We would welcome the opportunity to work with the Regional Board to develop a tiered approach that would provide ground water protections without sacrificing the economic viability of El Dorado County's small farms and ranches.

Sincerely,



Merv de Haas, President

cc: Bruce Houdesheldt, Sacramento Valley Regional Water Quality Coalition
Pamela Creedon, Central Valley Regional Water Quality Control Board
Carolyn Mansfield, El Dorado County Agricultural Water Quality Management Corporation
Chris Scheuring, California Farm Bureau Federation



El Dorado County Agricultural Water
Quality Management Corporation
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Fax transmittal

To:	Megan Smith	Fax:	916-456-6724
From:	Valerie Zentner, Subwatershed Coordinator	Date:	September 27, 2010
Subject	ILRP Comments	Pages	10 (including cover sheet)
Cc:		Fax:	

Attached are our cover letter and detailed comments, which were sent to you via email also.

Valerie Zentner



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Quality Management Corporation**

A member of the Sacramento Valley Water Quality Coalition

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Officers: Carolyn Mansfield, President; Doug Leisz, Vice President; Maryann Argyres, Secretary; John Zentner, Treasurer
Directors: Dedrian Kobervig, Norman Krizl, Linnea Marengo, Kirk Taylor, Jim Zeek
Administration: El Dorado County Farm Bureau

1. Neither the PEIR nor the Economic Analysis accurately or adequately address the impacts of any of the alternatives, including the staff recommended alternative, to the unique sub-regions within the Central Valley especially the El Dorado County Sierra Nevada foothills.
2. The Environmental Impacts are all based solely on the implementation of Management Practices. All Resources, not just Agricultural Resources, should be evaluated for the impacts based on loss of farmland due to costs, e.g. the impact to Vegetation and Wildlife when rice fields are taken out of production.
3. Using the same methodology for determining ground water quality in areas with basins or sub-basins as areas without identified basins and sub-basins is not based in science. The results from using a monitoring well in the fractured rock areas of the foothills will not be reliably representative of the surrounding area or region since the origin of the water or any constituent in it cannot be determined. The use of monitoring wells is an inappropriate method for ground water protection in areas without basins or sub-basins.

The program needs to identify a method of assessing ground water quality in areas without basins or sub-basins that does not rely solely on owners of irrigated agriculture operations to fund the assessment.

4. The discharge of wastes from irrigated lands as identified by the exceedances reported in the Staff Report may be grossly overstated since the source of many of the exceedances has not been identified. This approach may lead the reader to believe that *all* exceedances discussed are as a result of irrigated agricultural operations rather than urban, suburban, recreational, or wildlife sources.
5. While we support in concept tailored monitoring provisions for tiers based on threat vulnerability to groundwater, the tiering has not gone far enough. The staff recommends that ground water monitoring be required every 5 years for Tier 1 (low priority) areas. Approximately 30% of the total area of responsibility for the CVRB does not contain any identified ground water basins or sub-basins.

We recommend the board create a Tier 0 for ground water that would apply to those areas without basins or sub-basins. Periodic assessment would rely solely on gathering existing monitoring data from other sources and reporting management practices from growers in those areas. If monitoring data from an existing source reveals pesticide exceedances then a source evaluation effort could be undertaken to determine if irrigated agriculture is the source.

6. The total estimated additional costs for the Staff Recommended Alternative is shown as \$1.79/acre annually. This is grossly understated for the small farmers in our region. The El Dorado sub-coalition's average yearly cost per acre for the last seven years has been \$18.91.

If the \$1.79/acre estimate of additional cost for the Staff Recommended Alternative is as accurate as the surface water estimate in the Economic Analysis, we in the foothills can expect a minimum of an additional \$24.89/acre in program costs. A total of \$43.80 per acre could force many of our growers out of agricultural production.

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We appreciate the efforts of staff in working with the stakeholder workgroup to develop the program objectives for the proposed regulation. However, for the Sierra foothill regions like El Dorado the staff recommended alternative fails to meet those objectives.

By taking a "one size fits all" view of the millions of acres that comprise the Central Valley watersheds, the regulation fails to recognize that not all agricultural operations are managed the same. The analysis fails to characterize adequately the regions where ground water basins and sub-basins do not exist. Finally, the economic analysis does not adequately address the value-added nature of irrigated agriculture in the foothills as compared to the large commodity-based farms and ranches in the valley. The secondary, and tertiary, negative impacts that would occur to the local economy if agricultural operations failed due to the burdensome costs associated with ground water monitoring have not been identified.

We would welcome the opportunity to work with the Regional Board to develop a tiered approach that continues a management practices-based approach to preserving our excellent surface water quality while providing ground water quality protections.

Sincerely,



Carolyn Mansfield, President

Attachment: As stated

cc: Bruce Houdesheldt, Sacramento Valley Regional Water Quality Coalition
Pamela Creedon, Central Valley Regional Water Quality Control Board

Attachment

**El Dorado County Agricultural Water Quality Management Corporation's
Comments on the Central Valley Regional Water Quality Control Board
Draft Program Environmental Impact Report, Staff Recommendation, and
Economic Analysis of the Long Term Irrigated Lands Regulatory Program**

The El Dorado County Agricultural Water Quality Management Corporation represents 323 individual growers who operate 3,330 acres of irrigated agricultural operations. We are located on portions of two Sacramento River sub-watersheds, the American and Cosumnes Rivers with all irrigated agricultural operations at elevations of 1,000 – 3,500 feet above sea level. The total area of the portions of the two sub-watersheds that we represent is approximately 1.1 million acres. While our operations are generally concentrated in seven distinct geographic districts, there are no areas where agriculture is truly the predominant land use. We share the land with undeveloped open spaces and rural subdivisions of 5-10 acre parcels. According to the subject PEIR documentation, there are no identified DWR Bulletin 118 ground water basins or sub-basins and there are no SWB Hydrogeologically Vulnerable areas or DPR Groundwater Protection Areas within our county.

GENERAL COMMENTS:

1. Neither the PEIR nor the Economic Analysis accurately or adequately address the impacts of any of the alternatives, including the staff recommended alternative, to the unique sub-regions within the central valley especially the El Dorado County Sierra Nevada foothills.
2. The Environmental Impacts are all based solely on the implementation of Management Practices. All Resources, not just Agricultural Resources, should be evaluated for the impacts based on loss of farmland due to costs, e.g. the impact to Vegetation and Wildlife when rice fields are taken out of production.
3. Using the same methodology for determining groundwater quality in areas with basins or sub-basins as areas without identified basins and sub-basins is not based in science. The results from using a monitoring well in the fractured rock areas of the foothills will not be reliably representative of the surrounding area or region since the origin of the water or any constituent in it cannot be determined. The use of monitoring wells is an inappropriate method for ground water protection in areas without basins or sub-basins. PEIR Section 2.3, page 2-3, states "the Sacramento Valley Basin covers approximately 27,210 square miles" or 14.414 million acres. PEIR Section 4.3, page 4-2 repeats this description. PEIR Section 4.6, page 4-6 states "the Sacramento Valley Basin encompasses approximately 12.2 million acres" or 19,062 square miles. The differences in the numbers can only be attributed to the fact that the smaller number represents known groundwater basins or sub-basins while the larger number refers to the surface watershed. Therefore, there are approximately 8,148 square miles (5.214 million acres) or approximately 30% of the Sacramento Valley Basin without identified groundwater basins or sub-basins. The program needs to identify a method of assessing groundwater quality in areas without basins or sub-basins that does not rely solely on owners of irrigated agriculture operations to fund the analysis.
4. Throughout all of the documentation there is inconsistent use of the term "management plans." In the current program a "Management Plan" is triggered as a result of exceedances. In the recommended alternative "SQMPs" and "GQMPs" are required to be developed for all High Priority areas. Section XI.A.1 states: "The recommended long-term ILRP will require that third-

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party groups develop regional surface and groundwater management plans. These plans would specify management measures that would work to restore and/or maintain the highest reasonable surface and groundwater quality. Irrigated agricultural operations would be required to implement management measures identified in the plans." Section XI.A.1 implies that the California Water Code requires the development of Management Plans but does not specify when. The term "management plan" must be used consistently throughout the documents.

Specific Comments:

PEIR

1. Section 1.2, page 1-1, provides a description of the region covered by the CVRWQCB which fails to recognize areas other than the valley floor. This is a common occurrence throughout the PEIR, the Economic Analysis and the Staff Recommended Alternative.

Recommendation: Revise all documents to acknowledge the existence and provide accurate descriptions of areas other than the valley floor.

2. Section 1.3, page 1-2, purpose number 3: "maintain the economic viability of agriculture in California's Central Valley."

Comment: Given the inadequacy of the Economic Analysis this goal is not achieved by any of the alternatives.

3. Section 1.5-3, page 1-8, identifies "Known Areas of Controversy:" In accordance with State CEQA Guidelines Section 15123(b)(2), the areas of controversy known to the lead agency, including issues raised by agencies and the public, shall be identified in the EIR. Through public scoping, the efforts of the Workgroup, and other outreach efforts, the following areas of controversy were identified:

The costs to growers of implementing a more stringent ILRP will be prohibitive and suppress the economic sustainability or growth of agriculture.

Adding a groundwater monitoring element to the ILRP would be unnecessarily duplicative of existing monitoring efforts.

The alternatives do not contain a clear methodology for defining a groundwater discharger or determining the nature of discharges to groundwater.

The program does not take adequate steps to offset the costs to rural communities for cleanup of existing water quality impairments that can be linked back to historical agricultural discharges.

Comment: None of these areas are adequately resolved by any of the Alternatives including the Staff Recommended Alternative.

4. Section 2.5, page 2-6, 3rd Program Objective: "Provide incentives for agricultural operations to minimize waste discharge to state waters from their operations."

Comment: This Objective is not met in any of the Alternatives unless one considers punitive measures as an incentive.

5. Section 4.4.1, page 4-2, erroneously describes "Land uses in the Sacramento River Basin are principally forest and range lands in the upper reaches, with urban development

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focused around the City of Sacramento. Agriculture is the dominant land use on the valley floor, followed by urban development."

Comment: The growth of urban development alongside non-rangeland agriculture in the foothills should be acknowledged and addressed.

6. Section 5.1.1 and Table 5.1-1, page 5-1. This section sets the stage for the environmental analysis of the PEIR.

Comment #1: The "management practices" listed in Table 5.1-1 are a mixture of objectives and practices and do not reflect the practices identified in the referenced ECR, e.g. Pressurized Irrigation System is one practice used to achieve the objective of Irrigation Water Management.

Comment #2: In addition to the impact of management practice implementation, each of the resources should have been evaluated for the impact of loss of farmland due to the costs of implementing each alternative.

7. Section 5.3.3, Environmental Setting, Agriculture, page 5.3-7 acknowledges that "agriculture remains a large industry into the present day."

Comment: This contradicts all areas of the Economic Analysis where agriculture is portrayed as having the smallest industrial output in the Sacramento Valley.

8. Section 5.8.3, page 5.8-7: "Rivers reaching into the Sierra Nevada are fed by both snow melt and rainfall (e.g., the Mokelumne) whereas lower rivers not extending into the mountains receive only rainfall (e.g., the Cosumnes)."

Comment: This statement is in error: The Cosumnes is fed by snowmelt.

9. Section 5.8.3, page 5.8-7: "Dams are generally found among the foothills of mountain ranges."

Comment: Dams are also found at higher elevations, e.g. the Upper Sacramento River.

10. Section 5.10.4, Assessment Methods, page 5.10-6: "The Central Valley Production Model (CVPM) is a regional model of irrigated agricultural production and economics that simulates the decisions of agricultural producers (farmers) in the Central Valley of California."

Comment: The CVPM does not adequately or accurately address the agricultural production at elevations greater than 1,000 feet above sea level that are impacted by topographical features.

11. Section 5.10.4, Assessment Methods, page 5.10-6: "It is reasonable and logical to assume that, while some portion of the affected farmland would be converted to nonagricultural use, a majority of the lost acreage would not be converted to a nonagricultural use but instead would be used to produce a crop that would require lower compliance costs and generate sufficient revenue to stay in agricultural production."

Comment: This is not a reasonable or logical assumption. Crop conversion, especially from FFGO to either ORVIN or VEGT, can be extremely expensive and cost prohibitive. It is

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more likely to assume that only a small portion of the "lost acreage" would undergo crop conversion.

12. Section 5.10.5, page 5.10-14, Mitigation and Improvement Measures.

Recommendation: Add a second mitigation measure: Develop a less costly approach to achieving water quality objectives.

ECONOMIC ANALYSIS

1. Section 1.2, page 1-3, second paragraph, last sentence: "Results from the Central Valley were extrapolated to affected areas in the foothills and upper watersheds."

Comment: Can't find where these results are shown. These results are critical to understanding the true economic impact to the foothills.

2. Section 2.2.1.1 and Table 2-1, page 2-2: "The six water quality management practices listed in Table 2-1 were used in calculating the cost of water quality management practices by watershed and alternative."

Comment: The things listed are generally not management practices but are objectives, e.g. irrigation Water Management as an objective is comprised of many practices including the use of pressurized irrigation systems, the use of an Irrigation Management System in conjunction with crop evapotranspiration data, and the use of buffer strips to filter any irrigation run-off water. The use of this list as "management practices" as a basis of economic impact is seriously flawed.

3. Section 2.1.2, page 2-3: "...regardless of the number of practices currently in place, there are still water quality impacts. To address these impacts, other management practices, in addition to what are in place, need to be implemented."

Comment: This is a judgment statement with no basis in fact for large portions of the Central Valley region since there are many areas with no irrigated agriculture caused impacts recorded since the beginning of the program.

4. Tables 2-3 and 2-4, pages 2-4 and 2-5.

Comment: How can there be more Enrolled Acres and Enrolled Growers than there are Estimated Acres and Estimated Growers? The discrepancies in these tables call into question the accuracy and adequacy of the entire Economic Analysis.

5. Table 2-6 and 2-7, pages 2-9 through 2-13.

Comment: The rationale for assignment of these limited "management practices" to these COCs appears to be flawed, e.g. the use of various practices within a pesticide management objective could be used in lieu of pressure irrigation.

6. Section 2.4.1 and Table 2-9, page 2-17, Scope of Cost Information.

Comment: The assignment of one cost value to each "management practice" without regard to topography, geology, soil type or crop type is meaningless. You cannot equate the

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cost of irrigation water management on a 500-acre valley floor operation with the cost on a 10-acre vineyard or orchard on a slope in the Sierra foothills.

7. Section 2.4.1.1 and Table 2-11, page 2-20: Estimated Current Cost for Compliance Actions per Acre = \$1.36

Comment: The El Dorado sub-coalition's average yearly cost per acre for the last seven years has been \$18.91. This example of generalization and the use of a one size fits all approach to the Economic Analysis shows how distorted the results can be for foothill areas. If the \$1.26/acre estimate for ground water sampling in alternative 1 is as accurate as the surface water estimate, we in the foothills can expect a minimum of an additional \$17.52/acre in program costs. A total of \$36.43 per acre could force many of our growers out of agricultural production.

8. Section 3.2, page 3-1: "The portions of the study region that fall outside the Central Valley floor were designated here as the upper watersheds and were analyzed by relating them to the nearest, most appropriate CVPM region."

Comment: Where are the results of this analysis for upper watersheds?

9. Section 3.2.4, page 3-5: Evaluation for Lands in Upper Watersheds

Comment: This section ignores the upper American River Watershed and appears to ignore much of the uniqueness of the Sierra Foothills, e.g. the orchard and vineyard areas of El Dorado County. As a result the impacts are understated.

10. Table 3-6, page 3-7. Sacramento River Average Farm Size = 177.1 acres

Comment: Another example of how one size fits all using averages doesn't work. El Dorado Sub-Coalition has 323 growers with an average agriculture operation of 10.3 acres.

11. Sections 3.4.2, 3.4.3, 3.4.4, 3.4.5, 3.4.6, pages 3-10 through 3-16, Compliance Costs

Comment: Where is the math that determined the compliance costs relative to Alternative 1, e.g. \$1.00/acre for Alternative 2 and \$8-13/acre for Alternative 3?

12. Chapter 4, Regional Economic Impacts

Comment #1: Defining the Sacramento River Basin as a region does a disservice to all 20 counties. Stating that the regional economic impact of losing 100 acres of grapes in Yolo County is the same as 100 acres of grapes in El Dorado County is just plain wrong.

Comment #2: The IMPLAN I/O model addresses agricultural crops as "raw material" so it does not address value added processing operations such as wineries, canneries, packing sheds, pie shops, etc. Since the forward-linked impact of FFGO to livestock production was accomplished the same type of forward-linked impact of ORVIN and VEGT to the value added processing operations should be calculated.

Comment #3: The forward-linked impact to the Agritourism business is totally ignored and should be analyzed.

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Comment #4: Again, because no forward-linked analysis was done the total regional output of agriculture as stated, as 2% is grossly understated.

Comment #5: The forward-linked comments for industrial output equally apply to personal income and employment.

Comment #6: To categorically state that increased costs to a farmer would result in a beneficial net regional economic effect other than urban growth is not applicable to the foothill regions with small farms.

STAFF REPORT

1. Section III.C.1 Surface Water Summary, pages 23 – 44.

Comment: The discharge of wastes from irrigated lands as identified by the exceedances reported in this section may be grossly overstated since the source of many of the exceedances has not been identified. This approach may lead the reader to believe that all exceedances discussed are as a result of irrigated agricultural operations rather than urban, suburban, recreational, or wildlife sources.

2. Regulatory Requirements and Monitoring Provisions for Tiers. Discussions beginning on page 152.

Comment #1: A SQMP is required for any parameter that exceeds water quality objectives two or more times in a 3-year period. Developing and obtaining approval of a SQMP has proven historically to be a time consuming and costly effort.

Recommendation #1: Instead of immediately requiring the development of a SQMP there should be a requirement for a Source Identification Report (SIR) to be developed and submitted to the Regional Board for approval. If the SIR indicates irrigated agriculture to be the source then a SQMP would be appropriate.

Comment #2: Ground water monitoring is required every 5 years for Tier 1 areas. Please refer to our General Comment #3 on page 1. Approximately 30% of the total area of responsibility for the CVRB does not contain any identified ground water basins or sub-basins.

Recommendation #2: Create a Tier 0 for ground water that would apply to those areas without basins or sub-basins and would 1) rely solely on any existing monitoring data from other sources and 2) gathering and reporting management practices from growers in those areas. If monitoring data from an existing source reveals pesticide exceedances then a source identification effort would be undertaken to determine if irrigated agriculture is the source.

3. Section XI.C.1 Estimated costs, page 169. The total estimated additional costs for the Staff Recommended Alternative is shown as \$1.79/acre annually.

Comment: The El Dorado sub-coalition's average yearly cost per acre for the last seven years has been \$18.91. If the \$1.79/acre estimate of additional cost for the Staff Recommended Alternative is as accurate as the surface water estimate in the Economic Analysis, we in the foothills can expect a minimum of an additional \$24.89/acre in program costs. A total of \$43.80 per acre could force many of our growers out of agricultural production.